## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PLICANT:

Albert K. Chin

APPLICATION NO.:

09/635,345

FILING DATE:

August 9, 2000

TITLE:

Apparatus and Methods for Subxiphoid Endoscopic Access

**EXAMINER:** 

Thomas C. Barrett

GROUP ART UNIT:

3738

ATTY. DKT. NO.:

80121-07179

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated:

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## INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

within three months of the filing date of the application, or date of entry into
the national stage of an international application, or before the mailing date of
a first office action on the merits, whichever event last occurred;

before the mailing of a first official action after the filing of a request for 10/26/2005 FMETEKI1 00000008 09635345 continued examination (RCE) under 37 CFR § 1.114;

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180.00 DP

M			onths of the filing date of this national application or the date of
	•		ational stage in an international application, or after the mailing
			st official action on the merits, whichever event last occurred, but
			iling date of the first to occur of either: (1) a final action under
		Ū	3; or (2) an action that otherwise closes prosecution in the
	applic	ation, a	
	$\boxtimes$		hed hereto is the fee set forth under 37 CFR §1.17(p) for
		subm	ission of this Information Disclosure Statement under 37 CFR.§
		1.97(	c); OR
		Appli	icant certifies pursuant to 37 CFR § 1.97(e) that:
			each item of information contained in this Information
			Disclosure Statement was first cited in a communication from
			a foreign patent office in a counterpart foreign application not
			more than three months prior to the filing of this Statement;
			OR
			no item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application and,
			to the knowledge of the person signing this certification after
			making reasonable inquiry, no item of information contained
			in this Statement was known to any individual designated
			under 37 CFR § 1.56(c) more than three months prior to the
			filing of this Statement;
	on or	before	the payment of the issue fee but after the mailing date of the first
	to oc	cur of e	ither: (1) a final action under 37 CFR § 1.113; (2) a notice of
			nder 37 CFR § 1.311; or (3) an action that otherwise closes
			in the application, and:
		Appl	icant certifies pursuant to 37 CFR. § 1.97(e) that:
			each item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application not
			more than three months prior to the filing of this Statement;
			no item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application and,
			to the knowledge of the person signing this certification after
			making reasonable inquiry, no item of information contained

					is Statement was known to any individual designated r 37 CFR § 1.56(c) more than three months prior to the
				filing	g of this Statement; AND
				attached here	eto is the fee set forth under 37 CFR §1.17(p) for
				submission of 1.97(d); OR	of this Information Disclosure Statement under 37 CFR.§
			after th	ne payment of	f the issue fee. Applicant requests that the information
		_	contair	ned in this Inf	formation Disclosure Statement be placed in the file
			accord	ing to 37 CFI	R § 1.97(i), although the information may not be
			consid	ered by the U	SPTO.
					listed reference that may be material to the examination of nich there may be a duty to disclose.
					er 35 U.S.C. § 120, on the earlier filing date of prior
		•	_		led on, and the references cited therein are hereby
					nired to be provided in this application under 37 CFR §
		1.98(d)			•
	$\boxtimes$	` '		foreign pater	nt documents and non-patent literature cited herein are
	_	enclose	•	<b>U</b> 1	•
		Each ite	em of i	nformation co	ontained in this Information Disclosure Statement was
		cited in	a com	munication fi	rom a foreign patent office in a counterpart application,
		and the	comm	unication was	s not received by any individual designated in 37 CFR §
		1.56(c)	more t	han thirty day	ys prior to the filing of this Information Disclosure
				CFR § 1.704	
		Applica	ant sub	mits that no f	fee is required for the consideration of this Information
				atement.	
	Consi	deration	of the l	listed reference	ces and favorable action are solicited.
					Respectfully submitted, ALBERT K. CHIN
					ALBERT R. CHIN
Dated:			120	05	By: a.c. Smith
Dutou.			<del>/(                                    </del>		Albert C. Smith; Reg. No.: 20,355
					Fenwick & West LLP
					801 California Street
					Mountain View, CA 94041 Tel.: (650) 355-7296
					Fax: (650) 938-5200

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Substitute for form 1449A/PTO	_	Complete if Known	
INIEO	DMATION-DISCLOSUE	Application No.	09/635,345	
STAT	RMATI <b>ON D</b> ISCLOSUR ΓΕΜΕΝΤΒΥ AZPLICAN	Filing Date	August 9, 2000	
SIA	I EIVEN DI AMPLICAN	First Named Inventor	Albert K. Chin	
	OCT 2.5 2005 (C)	Art Unit	3738	
		Examiner Name	Thomas C. Barrett	
Sheet	of 6 1	Attorney Docket Number	80121-07179	

			U.S. PATENT DOC	CUMENTS
		Document No.		
Examiner Initials*	Cite No.1	Number – Kind Code² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US 2002/0173622 A1	11-21-2002	Wettstein et al.
	A2	US 2002/0177207 A1	11-28-2002	Sugiyama et al.

			FOREIGN PATENT DOCU	MENTS	
		Foreign Patent Document			
Examiner Initials*	Cite No.1	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T⁵

		OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
	C1	MYERS, E. L. et al., "Tsg101, an Inactive Homologue of Ubiquitin Ligase E2, Interacts Specifically with Human Immunodeficiency Virus Type 2 Gag Polyprotein and Results in Increased Levels of Ubiquinated Gag", November 2002, pp.11226-11235, Vol. 76, No. 22, Journal of Virology, Cambridge, England.	
	C2	PCT International Search Report and Written Opinion; PCT/US04/00760, July 6, 2005, 7 pages.	
	C3	PCT Notification Concerning Transmittal of Copy of International Preliminary Report on Patentability; PCT/US2004/00760, August 25, 2005, 5 pages.	

Examiner	Date	
Signature	Considered	
1		
	1	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁴Applicant is to place a check mark here if English language Translation is attached.

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					plicatio	n Number	09/635,345		
					Filing Date		August 9, 2000		
TRANSMITTAL FORM			First Named Inventor		Albert K. Chin				
(to be used for all co fi		ondence during pe olication)	endency of	Gro	oup Art	Unit Number	3738	3	
			_	Exa	aminer	Name	Tho	mas C	. Barrett
Total Number of Pag	es in 1	his Submission	7*	Atto	omey i	Docket Number	8012	21-071	79
		ENCL	OSURES	(C	heck	all that apply	<i>'</i> )		
Return Receipt Response to Not Assignment & F Declaration Power of Attorn Application Data Information Disc Copie Request for Cor Request for Cor Amendment/Re After Status Request	Check Enclosed  Return Receipt Postcard  Response to Notice to File Missing Parts  Assignment & Recordation Cover Sheet  Declaration  Power of Attorney  Application Data Sheet  Information Disclosure Statement & PTO/SB/08A					Issue Fee Transr Letter to Chief Dr Formal Drawing(s	mittal raftsper s): i) of Fig ication ication Brief, R Priority	gure(s) [ to Board to Group Reply Bri y Docum	d of Appeals and p ief) nent(s)
		CICNIA	TUDE OF		TO DA	IEV OD ACEN	J.T		
Signature:		SIGNA	UKE UF	ALI	OKN	IEY OR AGEN	N I		
Signature: Attorney/Reg. No.:	Albe	rt C. Smith; Reg.	. No.: 20,35	<u>்</u> 5	-	Swith.	1	Dated:	10/20/01
			ERTIFIC	ΔTF	OF	MAILING			, -1-M
CERTIFICA  I hereby certify that this correspondence, including the enclosures in first class mail in an envelope addressed to: Commissioner for Pate If the Express Mail Mailing Number is filled in below, then this corre "Express Mail Post Office to Addressee" service pursuant to 37 CF					fied abo P.O. Bo ndence i	ove, is being deposit ox 1450, Alexandria	, VA 223	313-1450	on the date shown below.
Signature:			Q	_ (	<u> </u>	Smuth			
Typed or Printed Nar	ne:	Albert C. Smith	1					Dated:	10/20/05
Express Mail Mailing	Numb	er (optional):							

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<b>1</b>	<u> </u>

## FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 180

	Complete if Known	
Application Number	09/635,345	
Filing Date	August 9, 2000	
First Named Inventor	Albert K. Chin	
Examiner Name	Thomas C. Barrett	
Art Unit	3738	
Attorney Docket No.	80121-07179	

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)						
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None     ☐ Deposit Account:		3. ADDITIONAL FEES					
Deposit Account Number 19-2555	<u>Large E</u>	Entity	Small E	Entity	Fee Description	Fee Paid	
Deposit Account Name Fenwick & West LLP	Fee	Fee	Fee Code	Fee			
The Commissioner is authorized to: (check all that apply)	<b>Code</b> 1051	( <b>\$)</b> 130	2051	( <b>\$)</b> 65	Surcharge - late filing fee or oath or declaration		
☐ Charge fee(s) indicated below ☐ Credit any overpayments		50	2052	25	Surcharge - late provisional filing fee or cover sheet		
Charge all required fee(s) or any underpayment of fee(s) due		130	1053	130	Non-English specification		
under 37 CFR §1.16 or §1.17 during the pendency of this application	1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
Charge fee(s) indicated below, except for the filing fee to		920*	1804	920*	Requesting publication of SIR prior to Examiner action		
the above-identified deposit account.		1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
FEE CALCULATION		120	2251	60	Extension for reply within first month		
1. BASIC FILING FEE	1252	450	2252	225	Extension for reply within second month		
Large Entity Small Entity	1253 1254	1020 1.590	2253 2254	510 795	Extension for reply within third month  Extension for reply within fourth month		
Fee Fee Fee Fee Fee Description Fee Paid  Code (\$) Code (\$)	1255	2.160	2255	1.080	Extension for reply within fifth month	<del></del>	
Code (s)	1401	500	2401	250	Notice of Appeal		
	1402	500	2402	250	Filing a brief in support of an appeal		
	1403	1000	2403	500	Request for oral hearing		
	1451	1,510	1451	1,510	Petition to institute a public use proceeding		
	1452	500	2452	250	Petition to revive - unavoidable		
SUBTOTAL (1) (\$)	1453	1,500	2453	750	Petition to revive - unintentional		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,400	2501	700	Utility issue fee (or reissue)		
Extra Claima Fee from Fee Paid	1502	800	2502	400	Design issue fee		
Total Claims -20**= X =	1503	1100	2503	550	Plant issue fee		
Independent Claims X =	1460		1460		Petitions to the Director		
Multiple Dependent =	1807	50	1807	50	Processing fee for Provisional Applications		
Large Entity Small Entity	1806	180	1806	180	Submission of Information Disclosure Stmt	180	
Fee Fee Code (\$) Fee Description	8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1202 50 2202 25 Claims in excess of 20	1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))		
1201 200 2201 100 Independent claims in excess of 3	1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))		
1203 360 2203 180 Multiple dependent claim, if not paid	1801	790	2801	395	Request for Continued Examination (RCE)		
1204 200 2204 100 **Reissue independent claims over original patent	1802	900	1802	900	Request for expedited examination of a design application		
1205 50 2205 25 **Reissue claims in excess of 20 and over original patent	Other fee (specify)						
SUBTOTAL (2) (\$) SUBTOTAL (3) (\$) 180							
or number previously paid, if greater, For Reissues, see above	•Reduce	ed by Basi	c Filing F	ee Paid			

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent) 20	0,355	Telephone (650) 355-7296	
Signature		g. C. Smith	Date	20/05/01	